

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 9 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RIVKA STEINBERG, individually and on
behalf of all others similarly situated,

Plaintiff-Appellant,

v.

ICELANDIC PROVISIONS, INC.,

Defendant-Appellee.

No. 22-15287

D.C. No. 3:21-cv-05568-EMC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Edward M. Chen, District Judge, Presiding

Argued and Submitted March 29, 2023
Submission Vacated March 31, 2023
Resubmitted June 2, 2023
San Francisco, California

Before: GOULD, BERZON, and IKUTA, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Rivka Steinberg appeals the district court’s order granting Icelandic Provisions’ motion to dismiss her complaint for failure to state a claim. We have jurisdiction, *see* 28 U.S.C. § 1291, and we affirm.

Steinberg’s complaint fails to allege that the product’s front label would deceive a reasonable consumer to believe that the product is manufactured in Iceland, because the front label’s “ambiguity [is] resolved by reference to the back label,” which accurately states that the product is manufactured in New York. *McGinity v. Procter & Gamble Co.*, No. 22-15080, – F.4th – (9th Cir. 2023).

AFFIRMED.